

The use of the trademark Spandex, page 7, "KOTEX", "STAYFREE", "DEPEND" (page 9) has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Trademarks should be shown in full capital letters, without quotation marks, and accompanied by generic terminology."

#### **APPLICANTS REPLY**

In accordance with the Examiners remarks in the first paragraph above, we respectfully request the Examiner to amend the abstract of the disclosure as follows: On page 18, under ABSRACT, first line, kindly delete --Herein disclosed is a "sanitary undergarment"— and insert "A sanitary undergarment" before the word which. On line 5 of the ABSRACT, kindly delete —there between-- and insert "therebetween". Also, on line 6, delete —residue--.

In accordance with the Examiners remark in the second paragraph above, the applicants agree that the noted prior art should not be included on the front of a patent so as to comply with 37 CFR 1.56, 1.97 and 1.98.

In accordance with the Examiners remarks pertaining to the use of trademarks, we wish to respect such trademarks in an appropriate manner. Therefore, on page 7, line 3 of the first paragraph, kindly delete —Spandex,— and insert "SPANDEX™," without any quotation marks. On page 9, line 4 of the second paragraph, kindly delete —"KOTEX"— and insert "KOTEX™," without any quotation marks. On page 9, line 5 of the second paragraph, kindly delete —"STAYFREE"— and insert "STAYFREE™," without any quotation marks. On

page 9, line 6 of the second paragraph, kindly delete —“DEPEND”— and insert “DEPEND™,” without any quotation marks.

#### **EXAMINERS DRAWING REMARKS**

“The drawings are objected to because in Figure 1, the lines from 22, and 24 should be dashed to denote underlying structure. In Figure 2, the lines from 22, 16, 18, and 28 should be dashed to denote underlying structure. This also applies to 46-B, 48, 46-E, 46-F, 50 and 52. The objections to Figure 2 also apply to Figure 3. In Figure 5, the arrow from 18-B and in Figure 6, the lines from 16, 20, 24, and 28 should be dashed to denote underlying structure. In Figure 7, the lines from 58, 60 and 46 should be dashed. Correction is required.”

#### **APPLICANTS REPLY**

With regard to the drawings, please note formal drawings will be provided upon receiving a “NOTICE OF ALLOWANCE AND ISSUE FEE DUE”. Although we herewith provide the original drawings that now include the proposed corrections that are shown in red ink for the Examiners evaluation. However, if the Examiner will kindly note, there appears to be a misunderstanding. As it is to be understood that in FIG. 2, the absorbent pad 46 along with the extension wings are not underlying structures. The pad 46 is to be shown positioned on top of the panty and the wings are shown in their extended first position. While in FIG. 3, the pad 46 is again to be shown positioned on top of the panty and the wings are shown in their folded second position. Therefore, it can clearly be seen that the pad 46 is to be worn against the wearer's genitals and the wings are the only structures that are to be inserted into the internal opening 28. Perhaps this will

help to clarify proper use of the internal opening 28 formed within the panty. This is the whole purpose of the present invention and is to be used in a completely different manner than the noted prior art, which will be addressed later herein. With reference to FIG.s 5 & 6, it is to be understood the only underlying structure is depicted in FIG. 6, wherein crotch portion 18 is the underlying structure. This is substantially again the same situation in FIG. 7. However therein, the pad is also an underlying structure because the pad is to be positioned against the user's genitals and the extensions are positioned within the internal opening. Therefore, reconsideration of the Examiners drawing objections is hereby respectfully requested.

#### **EXAMINERS CLAIM REJECTIONS**

3. "Claim 4 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. On page 16, lines 11-12, 15-16, and 17-18, "adhesively attached" should be —adhesive covered by a— to be accurate. On page 16, last line and page 17, line 5, "adhesive" and "adhesively secured" should be —said adhesive thereon— and —secured by said adhesive thereon— to be accurate.

#### **APPLICANTS REPLY**

In order to comply with the Examiners suggestions for amending original claim 4, we hereby request the Examiner to kindly consider the following: If the noted corrections were incorporated as suggested, the final result would read "said bottom surface of said absorbent pad having an adhesive covered by a

removable strip". We propose that this is still inaccurate. Therefore, within our newly written claim 8, we have amended it to read as "said bottom surface of said absorbent pad is covered with adhesive by a removable strip" which more particularly clarifies accordingly. The other noted suggestions have now been incorporated. Namely "adhesive" and "adhesively secured" have been changed to "said adhesive thereon" and "secured by said adhesive thereon". Thus, the Examiners reconsideration is respectfully requested.

#### **EXAMINERS DISCLOSURE OBJECTIONS**

4. "The disclosure is objected to because of the following informalities 1):" etc.

#### **APPLICANT'S REPLY**

In accordance with the Examiners objections regarding the disclosure, we respectfully request the Examiner to amend the disclosure as follows:

- 1) On page 1, line 8, kindly delete —commonly known as "wings" or "side wrapping elements"— and insert "commonly known as wings or side wrapping elements".
- 2) On page 1, lines 8-9, kindly delete —fold or wrap the sides of a wearer's thighs— and insert "are normally folded in between the wearers thighs and positioned externally onto the underwear when".
- 3) On page 3, line 7, after '462", kindly insert ".".
- 4) In accordance with MPEP 608.01(d) and 1302 please note the newly written claims as presented herein are now more consistent in scope with that of the claimed invention and the Summary Section.

5) On page 7, line 15 kindly delete --With the--- and insert "The", on line 16, delete --being-- and insert "is", on line 18, delete --while-- and insert "the".

6) On page 8, line 5, delete --with-- and insert "The", on lines 6 and 8, delete --being-- and insert "is", on line 7, after "and" insert "the", on line 10, delete --Thereby-- and insert "thereby".

7) On page 8, line 19, delete --with--.

8) On page 9, lines 5 and 6, delete --Fig.s--- and insert "Figs."

9) On page 9, line 12, delete --the applicants are not aware of any-- and insert "none are apparently". On line 14, delete --the applicants prefer--- and insert "there is a preference for".

10) On page 9, last line, delete --having-- and insert "has".

On page 10, first line, delete --having-- and insert "has", on line 2, delete --With bottom-- and insert "Bottom", on line 3, delete --having-- and insert "has", on line 5, delete --having an adhesively attached-- and insert "is adhesive covered by a".

11) On page 0n, lines 9 and 12, delete --adhesive--, on line 18, delete -residue--.

12) On page 10, last line, delete --Whereby-- and insert "whereby".

13) On page 11, line 8, delete --shorts (54).-- and insert "shorts.", on lines 9 and 10, delete --Please note the applicants do not disclose or address the actual construction of the boxer shorts (54) as-- and insert "The actual construction of the boxer shorts (54) is not disclosed or addressed as the construction of", on line 12, after art, insert ".".

14) On page 11, delete --the applicants prefer-- and after herein insert "is preferred", on line 17, delete --there between-- and insert "therebetween", on line 20, delete --Whereby, the-- and insert "The", on line 20, --delete adhesive--.

15) On page 12, line 1, delete --Thereafter,-- and insert "After", on line 4, delete --whereby,-- and insert ", the", on line 5, delete --residue--.

16) On page 12 delete all the prior art list.

17) On page 6, line 1, delete --substantially--, on line 3, delete --substantially--, on line 5, delete --substantially--, on line 7, delete --substantially--, on line 8, delete --substantially--, on line 9, delete --substantially--, on line 11, delete --substantially--.

#### **EXAMINERS CLAIM REJECTIONS**

5. "Claim 2 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Rudes. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Larson. See Figures 1-4 and column 2, lines 8-20.

#### **APPLICANTS REPLY**

The Examiner is definitely correct that original claim 2 as previously written was clearly anticipated by Rudes. Namely, the applicants contend this was due to the wording "internal opening" which was too broad and did not clarify how the internal opening was constructed. Nor did original claim 2 clarify how the internal opening was to be properly used. Therefore we respectfully request the Examiner to kindly reconsider the rejection, after evaluating newly presented claim 6. Wherein we now further clarify that the external crotch portion and the internal crotch portion in combination form an internal opening wherein the

opposed lateral extension wings of an absorbent pad can be inserted therebetween and held in a secure manner by adhesive. Please note this is clearly taught within the present invention, not only within the "ABSTRACT" but also within the specification.

It is therefore contended that the newly written claim 6 now more clearly defines the opening and its intended use, and now does not read on the Rudes reference. If the Examiner will kindly note, the Rudes patent is very different than the present invention and it clearly teaches that the entire absorbent pad is to be inserted into the pocket structures. Also, the pocket structures are clearly defined as being attached along lateral and bottom edges, thus clearly defining a pocket. This is very different than the present invention wherein the internal opening does not define a pocket and it is intended to be completely open on two opposing sides for receiving the opposed extension wings therein.

Furthermore, the present invention clearly defines that the absorbent material of the pad is to be worn against the users genitals and the internal opening is strictly designed to only receive the extension wings. This is definitely different than the Rudes reference which clearly defines that the pad "is not" to be worn against the genitals but is completely contained within the pocket. Therefore, clearly the intended use for the present invention is completely different than the intended use of the Rudes reference. Still further it is contended by the

applicants that the present invention clearly recognizes, addresses and resolves a completely different problem in a manner heretofore not taught.

With reference to the Examiners rejections pertaining to claims 1 and 3, we again agree with the Examiner that the original claims 1 and 3 read on the claims by Larson. However, the newly presented claims 5 and 7 as presented herein now more clearly point out and distinctly claim the subject matter which the applicants regard as the invention. Again, the arguments presented above also clearly pertain to the Larson reference as well. As the Larson reference clearly defines the internal opening to be a pocket having an open end at the front of the garment and closed sides and a closed rear end. Still further the intended use for the pocket is clearly meant to receive the entire absorbent pad therein, which is completely different than the present invention, and again the pad as taught by Larson is not to be worn against the users genitals, as is the pad of the present invention. Therefore, reconsideration of the claim rejections is respectfully requested.

#### **EXAMINERS REMARKS**

6. "Claim 4 patentably distinguishes over the prior art."

#### **APPLICANTS REPLY**

In accordance with the Examiners remark above, please consider newly written claim 8 which "as amended" now includes the original content of claim 4 as well as the noted changes that the Examiner suggested. Thus, claim 8 should now be in condition for allowance.



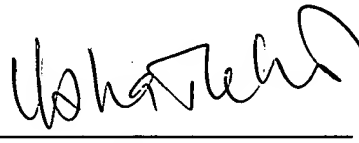
In view of the above, if the Examiner agrees but does not feel that the present claims are technically adequate and/or if the Examiner (knowing that the applicants are not skilled Attorneys but are applying as a private citizens) can see areas which applicants have failed to point out and distinctly claim but would lead to further patentable material, then we respectfully request the Examiner to point out said material and to write acceptable claims pursuant to MPEP 707.07(j) and give the applicants an opportunity to respond further before final action.

#### **CONCLUSION**

For all the reasons above, this application is now submitted to contain claims which define a novel and patentable invention. Hence allowance of the application is respectfully submitted to be proper and is respectfully solicited.

Very respectfully,

  
Cathy D. Santa Cruz

  
Usha Mehta